
Libby Community Advisory Group

Meeting Summary

July 10, 2003

Introductions

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. A list of the members and visitors in attendance is attached below as Appendix 1.

Agenda

The CAG agreed to the following agenda for this meeting:

- EPA Report
- ATSDR Report
- Gerberding Letter
- Public Comment

EPA Report

Wendy Thomi reported on behalf of EPA. Jim Christiansen is at a training session and is unable to attend this evening. Ms. Thomi announced that Marian Horinko has just been appointed Acting Administrator of EPA and Steven Johnston Acting Deputy Administrator.

Cleanup Update - Ninety residential cleanups have been completed, seventy of which since January 2003 and most since March 2003. About 7 to 8 cleanups are being completed per week. Ms. Thomi is working on a 10 to 15 minute video explaining the process for cleaning residences, including the sampling, relocation of the residents, and the actual cleanup.

CAG Member Question - What kind of certificate will a homeowner get after a cleanup when vermiculite is left in the walls? How will the presence of vermiculite in the walls affect the ability to sell the house?

Answer - The certification letter has not been written. When a draft is ready, we will bring it to the CAG and discuss it.

Clarification by Jim Christiansen: We are currently providing residents a close out letter, but it does not address the issue of what is left behind. All residents are getting the same letter for now - it basically says cleanup is complete. We will provide this letter to the CAG. The issue of vermiculite in walls and other contamination that may remain on-site is a long-term issue that EPA must work out, and we will do that in the future as part of the overall Superfund response. Right now, we are doing emergency response and cannot deal with every issue perfectly or immediately. Only after additional risk assessment and community involvement can we address long-term implications of cleanup.¹

Audience Member Comment - In May, Henry Skranak's house on Idaho and Flower was cleaned, but vermiculite is still visible in the yard.

Response - First, it is possible that during the cleanups something will be missed. At Mr.

¹As noted in the summary, Jim Christiansen was not able to attend the July 10, 2003 CAG meeting. He did review a draft of this summary and offered clarifications to it to ensure that people get accurate information. This and other following clarifications are printed in a different font.

Stranak's, we observed the vermiculite and cleaned it up. The contaminated soil did not match the color of the soil surrounding it. The contaminated soil may have been dragged in by a snow plow or may have been deposited some other way after the first cleanup.

Audience Member Comment - After our home was cleaned, we also saw vermiculite in the yard.

Response - When we characterize a property, we only dig one inch below the surface. When vermiculite is found after a cleanup, we will clean it up. It will not be your responsibility.

Clarification by Jim Christiansen: Our sampling and inspection protocol calls for visual inspection of surface soils and sampling at the 1" depth in yard soils (garden samples are deeper). That is where contamination is most likely to occur and present the greatest continuous exposure hazard. It is impossible to visually inspect for contamination at depth because a hole in the ground looks at only that hole - e.g. you can't do a visual inspection across a big area at depth, and you are essentially taking a shot in the dark. This is explained in our sampling plans. When we find contamination in a yard, either by inspection or sampling, we clean it up to a general maximum depth of 12" in the yard or 18" in gardens. If contamination is found at depth in a yard during cleanup where we didn't expect to see it, we will clean it up as part of the cleanup. We need to develop plans and a system for addressing contamination discovered after cleanup is complete, but in serious cases we we will respond immediately.

Audience Member Question - Do you have a procedure in place for addressing contamination found after a cleanup?

Answer - If vermiculite is found at depth, we will clean it up. We do not have a procedure for this circumstance.

Audience Member Comment - In defense of EPA, you can dig to four inches randomly on our property and find vermiculite.

Audience Member Comment - EPA said at the last CAG meeting that it has no guidelines for what equipment must be cleaned.

Audience Member Comment - EPA needs to have a standard to guide what is clean and what is not.

Response - EPA has a sampling and analysis plan. Contractor work is overseen by EPA.

CAG Member Comment - The Technical Advisory Group is actively examining cleanup issues, and it is preparing a white paper on them. (See Appendix 2 for the white paper.) We are finding inconsistencies. The TAG meets the Tuesday before the CAG meeting. We normally meet at 7:00 p.m. on the second floor of the First National Bank Building. We are temporarily meeting in the basement of the county annex. The public is welcomed to attend.

Audience Question - What is a white paper?

Response by George Keck - A white paper succinctly describes the problems and solutions.

Audience Question - How can we get a copy of it?

Answer by George Keck - We will place a copy in the EPA Information Center.

CAG Member Comment - The TAG should discuss procedures for notification if vermiculite is discovered but EPA is not informed of that fact.

Audience Member Comment - It is well known in the construction industry that people are finding vermiculite and hiding it and not notifying the EPA.

CAG Member Question - For each residential cleanup, EPA reaches a different agreement with the homeowner about cleanup. There is no consistency about how clean is clean.

Response by George Keck - The TAG will be discussing this and other cleanup issues with EPA, and we will report to the CAG about our discussions at the next CAG meeting.

Audience Question - Someone conducted air sampling at a house and found no contamination. The house has four inches of vermiculite insulation. Will the house be cleaned?

Response - We do not give a clean bill of health based on dust sampling alone. Visual confirmation of vermiculite attic insulation will result in removal of the insulation. If the dust sampling finds 5,000 asbestos structures per square centimeter, the living space will be cleaned.

CAG Member Comment - The last statement means that there is an acceptable level of contamination in the living space, and that is less than 5,000 asbestos structures per square centimeter in dust samples.

Investigation Update - Sampling at additional residential properties is underway and on schedule. The performance evaluation of the analytical methodology used to sample soils is not yet completed, but has progressed enough so that Jim Christiansen is proceeding with the soil sample analysis. The soil analysis will continue through the end of the year. Some 1,200 letters are about to be mailed indicating that vermiculite was visible in either yards or gardens or in attics and cleanup is warranted.

Flyway Property - EPA and W.R. Grace are close to a legal agreement under which W.R. Grace will clean this property with EPA oversight. The legal agreement will have to be submitted to the bankruptcy court.

Boat Ramp - When the City of Libby began building a boat ramp on the export plant site, vermiculite was discovered. Initially, the area in which vermiculite was visible was covered and roped off and closed to the public. The entire area will be assessed and a cleanup plan developed. W.R. Grace was willing to do the cleanup work, but EPA decided to do it to avoid delay caused by dealing with the bankruptcy court. Cleanup should occur in August.

CAG Member Question - Is the property open to the public?

Answer - The boat ramp is open, but the flat area containing visible tremolite rock has been covered, roped off, and closed to the public. Sampling indicated that some of the vermiculite outside this area was clean.

Clarification by Jim Christiansen: Our protocol is to assume all significant occurrences of visible vermiculite represents enough risk to clean up over the long-term. This is based on the need to be very protective in Libby, community perceptions about visible vermiculite, and the most importantly, the practicality of being able to visually inspect

areas and make decisions on cleanup versus having to sample everything. However, many samples collected in areas where vermiculite is present are non-detect via PLM or other sampling methods. This doesn't mean the samples have no asbestos, but it does mean that at most there are very low levels that present only a long-term health risk, if any. Where this is the case, we don't need to take measures such as covering the area and precluding access - if this was the case, we'd have to cover and rope off over 1200 properties in Libby and many homes across the country. At the boat ramp, we covered and marked off the area that could present a short-term hazard, but did not feel it necessary to cover the entire area. It is important to note that most contamination we are dealing with today is much less severe than what was addressed in earlier cleanups and different approaches will be used - there are degrees of contamination and we cannot apply the same level of response to all situations.

CAG Member Question - Was a sprinkler system installed?

Answer - No.

Audience Member Question - Some areas outside the roped area have visible contamination. Will they be cleaned up as well?

Answer - Yes. Some contamination has been tracked outside the closed area and it will be cleaned up.

Audience Member Question - The City buried contamination on the site and in the process has tracked vermiculite throughout the export plant site, including areas that EPA has already cleaned. The City has received a notice of violation from the Montana DEQ and DFWP. Will criminal charges be filed against the City for burying the contamination?

Answer - I don't know.

Clarification by Jim Christiansen. No. The city broke no laws that EPA is aware of. The important thing is that work was stopped and the situation will be addressed by EPA. MDEQ is taking no action against the city and is aware EPA has assumed responsibility for management and cleanup.

Audience Member Comment - Workers are walking through raw vermiculite in front of the porta-potty.

Response - Please talk with Jim Christiansen about this when he is here next week.

Audience Member Comment - Kids are playing and people are parking in areas at the boat ramp that may be contaminated.

Audience Member Comment - At the last CAG meeting, a CAG member predicted that additional contamination will be found at the Stimson mill site. When a community member stands up and identifies contamination, EPA should do something about it.

Response - I agree, and we do try to check up on things that the community tells us. Part of the comprehensive cleanup plan is to help local officials be prepared to deal with contaminated vermiculite wherever/whenever it is found.

CAG Member Comment - We need a registry to which people can report contamination.

Audience Member Question - You said that some of the vermiculite was clean. What is the definition of clean vermiculite?

Answer - Sampling in the area that the City was cleaning up indicated zero detection of asbestos.

Audience Member Question - What is the sampling and testing procedure?

Answer - When vermiculite was found, samples were analyzed and returned within 24 hours.

Audience Member Question - Where was the analysis conducted?

Answer - We have a mobile lab here in Libby.

CAG Member Question - Will property owners get a non-detect letter if they have clean vermiculite on their property?

Answer - Visible vermiculite will be removed even if the analysis finds no detectable asbestos in it.

CAG Member Question - So if vermiculite is found, it will be removed?

Answer - Yes.

CAG Member Comment - Clean vermiculite is bull. I can't believe that anyone would call vermiculite clean. Non-detect means only that asbestos was not detected. It does not mean that the vermiculite was clean.

Response - I should not have used the words "clean vermiculite", and I apologize for doing so. I should have said that the analysis of the vermiculite sampled was non-detect for asbestos.

Environmental Justice Grant - Ms. Thomi passed out copies of three documents related to the EPA Environmental Justice Grant, a fact sheet, a four page description of the grant, and a listing of frequently asked questions along with answers to them. EPA will make 15 grant awards of up to \$100,000 for communities that have suffered disproportionately from environmental contamination because of race or income levels. Packets of application forms and guidelines for completing the applications are available at the Information Center. On July 15, there will be a national teleconference so that people from Libby can ask EPA questions about the grant along with people nationwide. Please call Marva King at 1-202-564-2599 to participate in this call.

Audience Member Question - For what can the grant be used?

Answer - Collaborative problem solving. The grant applicant must be a local organization with several partners. The partners can be government agencies and others not located in Libby.

Audience Member Question - Can the grant be used for medical diagnosis or treatment?

Answer - Grant funds cannot be used to pay for medical care or diagnosis. They can be used to support development of collaborative solutions to policy questions such as how to provide long-term health care.

Audience Member Question - The existing grant to support one-on-one physco-social counseling will soon expire. Could the Environmental Justice Grant be used for this purpose?

Answer - The grant can be used to identify a solution to this problem, but cannot fund actual

one-on-one counseling.

Audience Member Question - So the grant cannot be used for medical care?

Answer - The grant cannot be used to fund medical care. It must be used to address an environmental or public health issue.

CAG Member Comment - Based on information I down-loaded from the EPA web site, this grant can be used to identify issues and solutions to them. A minimum of five partners is required. The grant can be for one to three years. The deadline for submitting the grant application to EPA is September 30, 2003.

Response - I encourage Libby groups to get together and develop a common vision. One group must be a non-profit, 501(c)(3) organization, but the five partners need not be. If a group is interested in applying, I can provide tips for writing the application.

Audience Member Question - So this grant is just for more studies?

Answer - I'm not sure that it can fund only studies. It may also fund specific programs.

ATSDR Report

Dan Strausbaugh reported on behalf of ATSDR. Mr. Strausbaugh, provided pre-publication copies of the ATSDR report entitled: "*Radiographic abnormalities and exposure to asbestos-contaminated vermiculite in the community of Libby, Montana*". This report will be published in the Journal; *Environmental Health Perspectives*, sometime during the next few months. ATSDR wanted to ensure that the community received copies before publication. Additional copies of the report can be obtained from the NIEHS or at www.ehponline.org. Copies will also be supplied to the EPA info center and the MASSA clinic in Libby. Mr. Strausbaugh reminded the CAG that the ATSDR Public Health Assessment (PHA) was completed and distributed last May. Copies of the PHA were also available at the EPA info center and the MASSA clinic. People can also call Mr. Strausbaugh at his Helena Office to obtain copies of either report.

CAG Member Question - Will this information help obtain additional funding for medical care for Libby.

Answer - I hope so.

Gerberding Letter

Clinton Maynard recently received a letter from Dr. Julie Louise Gerberding, the Administrator of CDC and ATSDR responding to the CAG's May 8, 2003 letter to HHS Secretary Tommy Thompson. In the May 8 letter, the CAG requested Secretary Thompson to declare a "public health emergency" pursuant to section 9604 (i)(1)(D) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980. Gerald Mueller read Dr. Gerberding's letter which is contained in Appendix 3 below.

Mr. Maynard said the key sentence in the letter is, "HHS lacks the resources or the statutory authority to provide long-term healthcare services under CERCLA or any other existing federal legislation." He also pointed out that Dr. Gerberding wrote that the public health emergency provisions of CERCLA "...were originally enacted to provide immediate healthcare assistance

in the event of an emergency situation to supplement local emergency healthcare services which might be unable to meet critical short-term healthcare needs.” Mr. Maynard stated that CERCLA does not include references to short-term healthcare needs. Mr. Maynard asked Dan Strausbaugh to request that Dr. Gerberding explain the basis for her connecting the declaration of a public health emergency to critical short-term healthcare needs. Mr. Strausbaugh responded that Dr. Gerberding’s written response to the CAG was likely based upon her interpretation of CERCLA.

CAG Member Question - How would clarifying the issue of authority to make the declaration change the situation regarding the lack of resources to provide long-term health care?

Answer by CAG member - - If HHS has the authority, then Congress can appropriate the resources. If authority is lacking, CERCLA can be amended to provide it.

CAG Member Question - Dr. Gerberding’s letter makes reference to ATSDR and other agencies providing the “appropriate” public health services in Libby. What does appropriate mean?

Answer by Dan Strausbaugh - I assume appropriate is in reference to the agencies’ authority and resources.

CAG Member Question - But what is the appropriate level of health care for Libby?

Answer by Dan Strausbaugh - I assume for ATSDR appropriate would be in reference to the agency mission, identifying and preventing exposure to toxic chemicals. ATSDR has been doing this in Libby.

CAG Member Comment - The reason the CAG sent the May 8 letter to Secretary Thompson is that we already knew the ATSDR position on the declaration.

Response by Dan Strausbaugh - I am sorry that people were offended that the Secretary did not answer himself, but it is common practice for agency heads to delegate replying to letters.

CAG Member Comment - We are seriously disappointed.

Response by Dan Strausbaugh - I will convey this message.

CAG Member Comment - I would think that given the statistics about our health situation in Libby, HHS would provide full support for our obtaining funds for medical care.

Response by Dan Strausbaugh - Dr. Falk has provided the Libby health information developed by ATSDR to Congress.

CAG Member Question - Has CERCLA been a part of the discussion of the asbestos legislation now being considered by the Congress?

Answer by Gayla Benefield - No. The legislation has many problems for us. It does not distinguish between the chrysotile and tremolite forms of asbestos. Payments are capped at \$750,000, and medical expenses are deducted from this amount. We will lose our ability to go to court. The bill would provide money only for 27 years, and some people exposed in Libby won’t be diagnosed with asbestos-related disease until after 27 years. We have made suggestions for important changes, including recognition that tremolite disease is different.

Senator Baucus has been able to amend the bill so that for Libby more than just workers will be covered. Family members of workers and people who were Libby residents prior to last year will also be covered. The bill that passes is likely to be based on politics and money, not science. The corporations threaten to go bankrupt if they don't get their way. People can only say we will die without help. There are 850 people in Libby with a Grace insurance card and 1,100 people with asbestos-related disease.

CAG Member Question - Could we ask the Montana Attorney General to provide his opinion about whether CERCLA authority is limited to meeting short-term health care needs?

CAG Action - The CAG agreed to consider a letter to the Montana Attorney asking for an interpretation of CERCLA at its next meeting.

Public & CAG Member Comment

Audience Member Comment - Contractors are driving and parking beyond the green gate on Rainy Creek Road.

Response - The green gate on the road to the mine formerly delineated the boundary between the clean and dirty areas. An area beyond the gate has been cleaned and is being used by contractors for parking. Trucks traveling to the mine have positive pressure with the cabs to protect the drivers and are washed to decontaminate them before they proceed into town.

CAG Member Comment - I protest America spending any more money overseas until the health care needs of Libby are met.

Next Meeting

The next regular CAG meeting is scheduled for 7:00 to 9:00 p.m. on Thursday, August 14, 2003 in the Ponderosa Room of Libby City Hall.

Appendix 1
CAG Member & Guest Attendance List
June 12, 2003

Members	Group/Organization Represented
George Keck	Technical Advisory Group (TAG)
Sandy Wagner	Community Health Center/TAG
Clinton Maynard	Area Asbestos Research Group
Craig French	Montana Department of Environmental Quality
Rick Flesher	Former W.R. Grace Employee
Bob Dedrick	Asbestos Victim
George Bauer	City of Libby
Ken Hays	Senior Citizens
David F. Latham	<i>The Montanian Newspaper</i>
Wendy Thomi	US EPA
Dan Strausbaugh	ATSDR
Mike Noble	Asbestos Victim (alternate for Leroy Thom)
Gayla Benefield	Lincoln County Asbestos Victims Relief
Organization	
K.W. Maki	Libby Schools
Gary Swenson	Libby Volunteer Fire Department
Eileen Carney	State Representative
Norita Skramstad	Asbestos Victim

White Paper presented to the EPA on July 15, 2003
Presenter
Gordon Sullivan, TAG Technical Advisor

Problem

There are perceived health hazards associated with the continued presence of vermiculite containing insulation present in homes and on property after aggressive clean-up procedures have been deemed complete by CDM and the Volpe Center. These problems are present even after the properties have passed the aggressive testing procedures established by the EPA guidelines for Operable Unit 4.

Background Information

The concerns brought forth in this White Paper stem from statements made by:

person(s) whose property has been cleaned up and perceive inconsistencies from what they expected as a result of the on-site work plans developed during the pre construction meetings

person(s) whose property has been cleaned up and in doing minor or major repairs or alterations to their homes get a "face full" of VCI from an area believed clean

person(s) who have witnessed apparent Libby asbestos and VCI left behind on properties that have been pronounced clean by the EPA

person(s) who have witnessed vehicles, machinery and material that are perceived to be contaminated with asbestos spreading this contamination to areas other than the clean-up site

the personal on site experience of the Technical Advisor (Gordon Sullivan) and his wife Cathie during the three week course of the clean-up of their home and property

the personal experiences of other TAG members visiting the site of the Sullivan's clean-up effort

Data/Documents Involved

Personal concerns and perceptions noted above regarding Libby Operable Unit 4 clean-up procedure(s) registered at the 7/8/03 TAG meeting, the 7/10/03 CAG meeting, and a significant number of calls to the TAG.

Risk

Left unanswered, the serious concerns stated above have the potential of compromising the overall integrity, final success and the perceived effectiveness of the EPA clean-up program.

Left unanswered (and if found justified) the concerns of the Libby public could mean a serious compromise to public health and safety through continued exposure after clean-up has been deemed complete by the EPA and its contractors.

Recommended Course of Action

Provide the TAG a copy of all current written policies and procedures enforced or acted upon by the EPA and its contractors relating to the clean-up of homes and property in Libby Operable Unit 4. These policies and procedures will then be analyzed by the TAG Technical Advisor and explained in detail to the TAG and public as to how they meet the EPA documented standards. If this process exceeds the abilities of the Technical Advisor, experts will be hired to aid in the final evaluation.

The TAG continue to solicit detailed information from members of the Libby public who might wish to express concerns relating to the effectiveness of the clean-up process and or the containment of VCI in their homes or businesses.

TAG board members continue to visit on-going work sites familiarizing themselves with particular work techniques, procedures and operable processes that routinely go on at these sites.

Appendix 3

DEPARTMENT OF HEALTH &
HUMAN SERVICES
Public Health
Service

Agency for Toxic
Substances and Disease
Registry
Atlanta, GA 30333

JUN 20 2003

Mr. Clinton Maynard
Libby Community Advisory Group
1116 Louisiana Avenue
Libby, Montana 59923

Dear Mr. Maynard:

Secretary Thompson has asked me to thank you for your letter and to respond directly to you regarding community health concerns associated with exposure to asbestos in Libby, Montana.

I understand the seriousness of your concerns. Libby continues to be one of the most important environmental public health sites in our nation. During the past 3-1/2 years, public health, healthcare, and mental health agencies of the Department of Health and Human Services (HHS) have worked closely with the community, the Environmental Protection Agency (EPA), and state and local agencies to halt exposure to vermiculite contaminated with tremolite asbestos and to build health capacity at the local level.

The Agency for Toxic Substances and Disease Registry (ATSDR) has also worked proactively with the Health Resources and Services Administration (HRSA) to support community initiatives intended to improve access to healthcare services in Libby. Through a HRSA grant, a federally funded health clinic has been established in Libby. In addition, Lincoln County was recently awarded funds through a HRSA Rural Health Outreach Grant to identify and resolve remaining health issues in Libby. Through these initiatives, HHS has demonstrated its ongoing and long-term commitment to improving the health of Libby residents.

In your letter, you state that the government's response measures thus far are insufficient and request that HHS declare a "Public Health Emergency" as referenced in sections 104(i)(1)(D) and (B) of the Comprehensive Environmental Response, Compensation, and Liability Act

(CERCLA) of 1980, 42 U.S.C. 9604(i)(1)(D) and (E). These sections of CERCLA were
Page 2 - Mr. Clinton Maynard

originally enacted to provide immediate healthcare assistance in the event of an emergency situation to supplement local emergency healthcare services which might be unable to meet critical short-term healthcare needs. U.S. Public Health Service hospitals referenced in section 104(i)(1)(E) of CERCLA, which were originally intended to provide such care in the case of an emergency, were decommissioned in the mid-1980s. HHS lacks the resources or the statutory authority to provide long-term healthcare services under CERCLA or any other existing federal legislation. However, EMS agencies, particularly ATSDR, have been able to provide appropriate public health services in Libby and at other Superfund sites nationally. EMS agencies will continue to provide critical public health support to the Libby community. A "Public Health Emergency" declaration under CERCLA will not change the agency's planned activities, nor will it make additional funds available to ATSDR or HHS under existing appropriations. Therefore, no such declaration is being made at this time.

During the past 3 years, considerable progress has been made towards halting exposure to tremolite asbestos and improving the health of Libby residents. HHS agencies will continue to use appropriate public health resources and work closely with all of the community groups and state, federal, and local agencies that are involved. I remain confident that such collaboration will facilitate sustainable, long-term public health improvements in Libby.

Please feel free to contact the HHS Region VIII Office in Denver, Colorado, at (303) 844-6163 if you, members of the Libby Community Advisory Group, or other residents have any questions regarding HHS' public health activities or responsibilities in Libby. Questions about ATSDR's activities and responsibilities can also be directed to Mr. Dan Strausbaugh, ATSDR Regional Representative assigned to Libby, at (406) 457-5007. Once again, thank you for your interest in this important public health matter.

Sincerely,

Julie Louise Gerberding, M.D., M.P.H.
Administrator

cc:

U.S. Congressional Delegation, State of Montana
Governor Judy Martz, State of Montana